

RESTRUCTURE AND REDUNDANCY FRAMEWORK

GUIDE FOR MANAGERS AND EMPLOYEES IN RESTRUCTURE AND REDUNDANCY SITUATIONS

1. INTRODUCTION

- 1.1 This Framework supports the University's Redundancy Procedure and Redeployment Procedure and should be read in conjunction with these Procedures. It sets out a consistent process for undertaking consultations and redundancy/restructure selection processes across the University in line with the Redundancy Procedure. Not all restructuring will result in redundancies – some may be managed without having to apply the University's Redundancy Procedure – but the stages within this framework should be applied as appropriate to ensure that the exercise is managed effectively.
- 1.2 The aim of the Framework is to help managers undertaking restructures/redundancy procedures, and employees who are subject to them, to understand the steps in a redundancy/restructure process, and what to expect at each stage of the process.
- 1.3 This Framework is intended to be used as a guide and does not form part of the contract of employment and the University may amend it at any time. The application of this framework may also be modified by the Director of Human Resources or their designate at their discretion if appropriate in specific cases (for example, where an employee is based outside the UK then the framework may need to be modified to take into consideration any legal requirements of the host country, if applicable). In the event of any proposed changes to terms and conditions, for example changes to shift-patterns, further advice should be taken with regards to procedures to be followed.
- 1.4 References to the Director of Human Resources ("HRD") include their designate.

2. PEOPLE IMPACT ASSESSMENT STAGE (KEY PRINCIPLES)

- 2.1 At the core of any proposals for change is how they impact on the current staffing within the area of change. The approval and consultation processes include the requirement for the following details to be provided with regards to how staff are affected by the proposals:
- the total number of redundancies proposed and their categories or descriptions;
 - the total numbers of employees employed in the affected unit of each such category or description, including details of agency or casual workers if applicable;
 - the proposed pool for selection and the proposed criteria for selection;
 - An equality impact assessment (see further guidance below)
- 2.2 To assist with this a "People Impact Assessment" which sets out full details of the current and proposed structures and how staff will transition between the current and proposed structures must be undertaken (See Appendix A for template to be used, and an example "People Impact Assessment." The following principles and stages will apply:

2.3 Evaluation of job descriptions

- 2.3.1 Job descriptions will be graded using the HERA and/or Hay job evaluation schemes or matched to roles that have already been graded using these arrangements. This will normally be undertaken prior to the people impact processes (pooling, ring-fencing, slotting etc.). Further guidance can be found on the University's job evaluation webpages.

2.4 Contract Types – In/Out of Scope

- 2.4.1 Staff on the following contractual terms will be considered either "In Scope" or "Out of Scope" i.e. part or not part of the future change proposals/restructuring exercise as follows:

- Staff on permanent contracts (based on their substantive position) – InScope
- Staff seconded into the area/roles – Out of Scope (based on substantive role in area of change)
- Staff seconded out of the area – In scope (based on substantive role in area of change)
- Agency/Contractors – Out of Scope (but details of agency staff must be included in consultation information)
- Fixed-Term contracts. The following arrangements should apply to the end of a fixed-term contracts:

REASON FOR END OF FIXED-TERM CONTRACT	PROCEDURE TO BE FOLLOWED	
(1) Fixed-Term contract which may end early as a result of restructuring scenario – covering business as usual/vacancy (Regardless of length of contract)	Redundancy Procedure In Scope - FTC staff will be treated the same as employees on open-ended contracts, unless their FTC ceases prior to consultation commencing	
(2) Fixed-Term contract ending (whether at contract end date or earlier if applicable) – contract reason to cover for another permanent employee or backfill e.g. maternity leave, sickness, secondment). In restructuring situation the substantive postholder will be in scope. Clause 2.2 of Redundancy Procedure.	Procedure for Non-Renewal of FTC (Reason for dismissal “Some Other Substantial Reason” not redundancy Out of Scope – Staff out of scope where an organization review takes place.	
(3) Fixed-term contract is to work on a specific and time limited project which is outside “business as usual” e.g. not an ongoing requirement.	Where overall duration of contract at end is 21 months or less	Where overall duration of contract at end is over 21 months (including renewals/extensions)
	Procedure for non-renewal of FTC Out of scope – Staff out of scope where organization review takes place	Redundancy procedure Out of scope – Staff out of scope where organization review takes place
<p>NOTE:</p> <p>(1) The funding arrangements do not affect the procedure to be applied.</p> <p>(2) Where an employee has more than one contract, the continuous service date is based on the continuous service in the contract that is ending. Where this situation arises the contracts should be carefully checked as it may affect redundancy payments, notice periods and other employment rights. For example, Contract 1 starts 1 July 2010, Contract 2 starts 15 August 2015. Contract 2 is ending, the continuous service date that applies is 15 August 2015.</p> <p>(3) If alternative employment becomes available at any stage whilst the end of fixed-term procedures or redundancy procedures are being followed (including once notice has been issued), and the employee accepts the alternative employment (e.g. new fixed-term role or extension to contract if same type of role with new funding) processes will</p>		

cease and will need to recommence for ending the latest contract (alternative employment/extension to contract), and an assessment as to what the reason for the contract was i.e. the procedure starts again, and does not recommence where it previously ceased.

Procedures for ending the contract will either be:

- End of FTC and redundancy (if 21 months or less) – FTC procedure
- End of FTC and redundancy (if more than 21 months) – Redundancy Procedure
- End of FTC and “some other substantial reason” (e.g. maternity cover) FTC procedure

2.5.1. People Impact – Assessing whether staff match, slot, “pool” or are “ringfenced”

The following stages will apply:

Principles/Stages	Guidance
Matching (Stage 1)	<p>Matching will apply where an existing role matches a role in the new structure i.e. there are no significant changes to the role/duties of the role provided there are the same (or greater number of roles) and terms and conditions of employment.</p> <p>Where there are more employees who match a role within the new structure a selection process will apply (see Ring-fencing below).</p>
Ring-fencing (Stage 2)	<p>‘Ring-fencing’ occurs where:</p> <ul style="list-style-type: none"> ➤ there are more employees at the same grade with the required skills, knowledge and experience within roles in the current structure than are required in the new structure, or ➤ where employees who are displaced are considered for vacancies at the same or lower grade and could be offered the post with or without protection of salary <p>In this instance a ‘ring fence’ is placed around certain employees from which the selection for roles will be undertaken.</p> <p>Employees who consider that they should have been ring-fenced for selection but have not been should raise this during the consultation period so that this can be considered.</p>
Slotting (Stage 3)	<p>Slotting decisions will be taken by the manager(s) of the Professional Services Division/Faculty with guidance from the relevant HR representative.</p> <p>Where in the current and proposed structures, there are the same (or greater) number of roles at the same grade slotting decisions will:</p> <ul style="list-style-type: none"> ➤ be based on the percentage of duties which remain the same (subject to the minimum requirement of a 75% match) and the knowledge, skills and experience of employees compared to that required within the roles in the new structure. Where there is need for a particular skill set, qualification or specific experience in the new role in the proposed structure that current post holders do not have suitability for the role (with or without reasonable retraining) may be tested in interview or other assessment appropriate to the nature of the role (e.g. a presentation or IT test), or this may be a desk based exercise by submission of application proforma. ➤ be at the same grade and attract an equivalent package of terms

	<p>employee has been ‘acting up’ and/or seconded to a different role they will only be slotted at the same grade and based on the duties of their substantive role;</p> <ul style="list-style-type: none"> ➤ where an employee has a temporary change to their substantive contract (e.g. temporary change of hours, payments including acting up or other allowances), they should only expect to be slotted into a role that matches the pay, grade and conditions of employment associated with their substantive appointment. ➤ In the first instance, slotting will normally be carried out on a grade by grade/team by team basis ensuring the “team has been appropriately defined.” ➤ Employees who consider that they should be slotted into a role in the new structure but have not been identified for slotting, should raise this during the consultation period so that this can be considered. ➤ Final slotting will take place following the end of the consultation period but in advance of any other selection processes so that any employees who are not slotted can be included in the selection process and express preferences and submit supporting statements if applicable for other roles in the new structure.
At risk (Stage 4)	Those employees whose roles are potentially redundant as a result of the proposed restructure/potential redundancy situation (See Stages 5 and 6 below).
Pool (Stage 5)	<p>A pool is “the group of employees from which those who are to be made redundant will be drawn” (paragraph 2.3 of the Redundancy procedure).</p> <p>Pools are generally groups of employees undertaking the same or similar work, and/or where roles are interchangeable, in the same department or location. The actual duties being carried out by the employees will be taken into account in determining pools; however, in some circumstances a wider pool may be appropriate, for example if the work is carried out at more than one location.</p> <p>There may be occasions where a pool does not exist and an employee is identified as being in a ‘pool of one’ (i.e. there is no-one else carrying out the same or similar role, or with the same or interchangeable skills).</p> <p>Employees who consider that they should be in a specific pool but have not been should raise this during the consultation period so that this can be considered.</p>
Displaced Employee (Stage 6)	Means an employee who has not been matched, slotted or appointed into a role following the application of the selection process.

2.5.2. General Principles

Matching and/or Slotting will be as 'light touch' as reasonably practicable to minimise uncertainty for employees and disruption to services.

Due regard will be given to the University's equality policies in matching, slotting and appointing to roles in the new structure.

Matching, slotting and other selection arrangements will be discussed with employees and/or trade union representatives as part of the consultation under paragraph 4 of the Redundancy Procedure. Any queries, or concerns staff have about how they have been considered should be raised during the consultation period and/or as part of any written feedback submitted as part of the consultation arrangements.

Any staff with any disabilities which may require reasonable adjustments as part of any selection processes are encouraged to inform management during the consultation period to enable adjustments to be made if necessary.

The People Impact Assessment must be reviewed at all key stages of a change programme as any changes to the proposals or staff within scope of the review are confirmed. This will include:

- Following revisions arising from the approval stage
- Following any changes arising from consultations
- Following any decisions/appointments arising from selection processes
- In the event of staff leaving, retiring, volunteering for redundancy or voluntary severance (where available) or similar staffing changes.

This will ensure that any opportunities to review the need for selection processes is undertaken. For example if an employee leaves or volunteers for redundancy/voluntary severance and this is supported, it may be possible to match or slot others who were in a ring-fence, rather than proceed with selection processes, or other opportunities could arise for staff who may otherwise be at risk of redundancy.

Equality Impact Assessment

Once a final draft of the People Impact has been completed on the proposed structure, and the selection processes and proposed criteria are clear, an equality impact assessment must also be undertaken to assess whether the proposals or selection processes have a disproportionate effect on any of the protected groups covered by the Equalities Act 2010 (and any subsequent revisions), and whether any adjustments need to be made in the light of known equality issues (e.g. staff on maternity leave who may need to be considered differently.) Template B should be used for this purpose.

The data will assist in the completion of the equality's sections of the UEB report where this is required.

Avoiding Potential Redundancies

As soon as it is clear that potential redundancies might arise due to proposed changes in the staffing requirements, managers must give consideration to ways in which any potential redundancies can be avoided or minimised. This can include (but not exclusive) any of the following:

- Where savings are required, are there other opportunities to achieve savings e.g. non-staff budgets, elimination of overtime working and payments, review of any additional allowances
- Natural wastage, not replacing staff who leave or retire
- Freezing non-essential recruitment (note fixed-term contract staff may also need to be considered for any posts within proposed structure, please see guidance above)
- Supporting requests for part-time, job-share working arrangements
- Secondments

Opportunities for voluntary redundancy or voluntary severance (where available), part-time working, retraining/redeployment should also form part of the consultation arrangements, alongside any details of any other measures that have been taken or are proposed to avoid any potential redundancies.

3. APPROVAL AND CONSULTATION

- 3.1 Prior to commencing consultation, approvals are required to any proposed redundancies by the manager (in consultation with their HR representative) submitting a report as set out in Clauses 3.1, and 3.3 of the Redundancy Procedure using the standard template (Appendix C) as follows:

Authority To Take Formal Action	Redundancy Scenario
UEB, following preliminary review by the PVC or their nominated Deputy/PS Director, HRD and Provost/Registrar	Where the potential redundancies arise from organisation design/restructure and therefore require consultation beyond individual/s affected.
UEB has delegated authority to initiate the Redundancy Procedure to the PVC or their nominated Deputy/PS Director, HRD and Provost/Registrar in the following circumstances:	In all other cases, including: <ul style="list-style-type: none"> ▪ the expiry of time- limited funding or time limited work requirements (and where the overall duration of the contract is more than 21 months; ▪ where potential redundancies are not a consequence of organisation design or restructure and there is no impact on other staff – in these circumstances consultation is only required with individual/s affected (e.g. a single role is not required).
Note: Proceeding with consultations may be subject to any modifications to proposals requested during the approval process.	

- 3.2 Reasonable time will be allowed for consultation, and for the employee(s) to make any representations (under clause 4 of the Redundancy procedure), so that consultation is genuine and meaningful. The period of consultation will reflect business requirements, and the University will comply with its obligations under TULRCA. The consultation period will normally be a minimum of 2 weeks, for example where a single redundancy is proposed and no selection is required. Where changes require collective consultation, or directly affect more staff, the consultation period will normally be a minimum of 4 weeks.
- 3.3 There may be some change scenarios where the trade unions may be informally advised of potential organizational changes at any earlier stage, with formal consultations commencing once the proposed changes have been approved by the Director of Human Resources or UEB. For example, the procurement of a new university-wide computer system which aims to automate manual processes will impact on staff who undertake the manual processes, but details will not be known until the implementation stages of the new system. Indicative timelines for reviewing the staffing requirements may be built into the project plan and shared with trade unions and staff accordingly.
- 3.4 Similarly, as part of developing proposals, managers and staff may contribute to information and feedback. Whilst engagement may have taken place, the proposals and staffing impact are likely

to evolve and change, and the final approved proposals must be sufficiently detailed for staff and where collective consultations are required, their trade union representatives to understand the rationale for the proposed changes and how they affect them to enable them to participate in meaningful consultation.

3.5 Consultation with Individual Employees

Any proposed changes must be discussed with each employee within the area of change who could be affected (Redundancy Procedure Clause 4.1). This can include employees within the area of change where there are no changes directly affecting them but which nonetheless impact their role. For example, a line manager whose role does not change but the number of staff reporting to them changes. Managers must talk with each employee individually to explain changes and get their ideas and feedback. There are no set rules for consultations with fewer than 20 redundancies but it's good practice to follow the same process regardless of numbers affected. Staff who are absent from work, must also be consulted, regardless of reason for absence. Individual consultation should therefore follow the guidance in paragraphs 4.1, 4.2 and 4.3.1a below. This will ensure that consultation is meaningful, and that all staff are treated fairly and equitably.

If someone works remotely, or it is not possible to meet face-to-face (including meeting via MS Teams) the meeting can take place over the phone if both parties agree to it and there is a clear need.

Whilst the University will not normally formally consult with the trade unions where less than 20 redundancies are proposed and where no other individuals are affected, the employee will have the right to be represented by their trade union representative or worker at all formal stages of the Redundancy Procedure and they should make arrangements direct with their representative if they require this, including providing copies of any consultation papers they have received (Clause 1.3 of the Redundancy Procedure). The employee should notify the manager and HR representative in advance of the scheduled meeting if anyone will be attending the meeting and their role.

Consultation arrangements will be considered on a case-by-case basis depending on the circumstances but could include KIT days, meetings via Teams, phone calls, and provision of information in writing. For further guidance on selection processes please see paragraph 11.1 below.

3.6 Consultation with Trade Union Representatives

In addition to consultations with individuals, consultations with representatives of the University's recognized trade unions will take place:

➤ Where proposals directly affect more than a single individual within the area of change.

Or

➤ Where the Collective Consultation obligations are triggered

Where consultations with the recognized trade unions does not apply, consultation will take place directly with the affected employees, but this does not preclude the Trade Unions from being provided with the information under Clause 4.2 of the Redundancy Procedure, or from providing feedback under Clause 4.3 of the Redundancy procedure. Collective consultation does not negate the need for individual consultation (see paragraph 4 below for further details).

The consultation and implementation processes (including selection) will be clear, transparent and will fully comply with the legal requirements under Section 188 of the Trade Union and Labour Relations (Consolidation) Act ('TULRCA') (collective consultation) where applicable. Collective Consultation is necessary where redundancies of 20 or more employees (at the same establishment) are proposed within a period of 90 days or less.

3.7 There is no prescribed period for consultation, but there is a minimum period before you can

dismiss any employees:

Number of proposed redundancies	Minimum consultation period before dismissal
20 to 99	30 days
100 or more	45 days

3.9 Where collective consultation is required the Redundancy Payments Service (RPS) must also be notified in accordance with the above timelines using Form HR1.

3.10 Where collective consultation is required, the HR representative will write to the Branch Secretaries of the three recognised trade unions, providing a copy of the consultation documents set out in paragraph 4 below.

4. CONSULTATION DOCUMENTS AND MEETINGS

4.1 During the consultation under Clause 4 of the Redundancy Procedure, the following information will be made available in writing to employees, and trade unions where appropriate, in a Consultation document:

- (1) Reasons/rationale for the change(s)/redundancy situation;
- (2) the Services, Colleges or other units at the establishment in question within which it is proposed that the dismissals would take place ('the affected units');
- (3) Current and proposed structure charts if applicable;
- (4) Job descriptions for all new and revised roles if applicable;
- (5) Comparison of the current and proposed employee compliment if applicable. This table will be based on information collated in Appendix A and will identify:

- a. which roles would no longer exist in the proposed new structure/as a result of the redundancy situation
- b. which roles would remain unchanged and in the same quantity
- c. which roles would remain the same but with more/fewer roles
- d. which roles will remain but with amendments to the role

On the basis of the above comparison of current and proposed structures, the table will also show:

- e. which roles are at risk of redundancy
 - f. which roles will not be affected
 - g. which roles are likely to be subject to slotting
 - h. which roles are likely to subject to a selection process
- (6) the total numbers of employees employed in the affected unit of each such category or description, including details of agency or casual workers if applicable;
 - (7) the total number of redundancies proposed and their categories or descriptions;
 - (8) Details of steps taken to try to avoid compulsory redundancies, and/or details of any voluntary severance scheme which may be offered from time to time (Clause 10 of the Redundancy Procedure) to avoid/reduce the numbers of compulsory redundancies.
 - (9) Timeline (for consultation and implementation and timescale over which it is proposed that the redundancies would take place;
 - (10) Proposed process for migrating current employees to the new roles (in accordance with the

guidance in paragraph 6 below) and, if appropriate, selecting employees for redundancy. This should include:

- a. the proposed 'pools' or 'ring-fencing from which selection will take place and/or identify any situation where a pool does not exist i.e. 'pool of one', and the reason for this
- b. the proposed selection criteria. If applicable details should also include the proposed process for selection in the event of equal scores arising.

(11) Where selection processes are required, an example template setting out how employees will submit supporting evidence (see Appendix D) , guidance on completing the supporting evidence (Appendix E) and how they will be assessed (see Appendix F)

(12) Template for submission of supporting statements for vacancies to be filled within the restructure area (if applicable - to be used once consultation has ended) (see Appendix G).

(13) Template for Expression of preference form (if applicable - to be used once consultation has ended, see Appendix H).

(14) Method of calculating redundancy pay and details of any voluntary severance arrangements if applicable.

(15) Equality analysis

4.2 As stated above, the selection criteria, processes, forms and evaluation methodology should be made available as part of the consultation arrangements. Where alternative or additional processes are used to the standard templates referenced above, these must be shared during consultation period, and where necessary be further clarified in the light of any revisions following consultation, before any selection processes commence.

4.3 The consultation document will be circulated to all affected employees immediately following the initial formal consultation meeting, including those who are absent for any reason.

4.4 Consultation Meetings

4.3.1 Where there is a requirement to consult with the trade unions under TURCLA (see 3.6 above), or where proposals directly affect others in the area of change, following approval to the proposals under Clause 3.2 or 3.3 of the Redundancy Procedure (see 3.1 above), a briefing meeting will normally be arranged with the relevant Trade Union Representatives normally at least 5 working days prior to formal consultation arrangements commencing with the staff. These meetings are held on the basis of information being shared on a confidential basis until formal consultations commence. Where a meeting is not possible with all/some of the representatives, the consultation document will be shared electronically on a confidential basis, normally at least 5 working days prior to formal consultation arrangements commencing with staff.

4.3.2 Where there is a single case and no others are directly affected in the area of change (TURCLA does not apply), consultation will commence by way of a meeting between the affected employee and their line manager. An HR representative will provide guidance to the manager and may also attend the meetings. Employees will normally be given 5 working days advance notification of the meeting. An employee has the right to be accompanied by a fellow worker or trade union representative at any meeting under the formal stages of these procedures, and they should advise their manager in advance if they wish to be accompanied.

4.3.3 Where the proposals affect a number of staff, and/or where collective consultation is required, a consultation meeting(s) will be arranged to commence the formal consultation process under Clause 4 of the Redundancy Procedure. All employees affected by the restructure/potential redundancy situation, including those absent from the workplace (for example on maternity leave or sickness absence) will be invited to attend along with relevant Trade Union Representatives as

appropriate. An HR Representative may also attend the formal consultation meeting. Wherever possible an employee will be informed of their position prior to the all staff meeting if it is proposed that their role is potentially redundant.

- 4.3.4 During the formal consultation period all affected employees will be given the opportunity to have a one to one meeting with an appropriate manager to discuss their individual situations. An HR representative will provide guidance to the manager and may also attend the meetings. Employees who request a one to one meeting may choose to be accompanied by a fellow worker or trade union representative. Staff may also separately seek advice or support from the HR representative regarding any queries or concerns about the processes.
- 4.3.5 All feedback to be considered by management at the end of the consultation period should be put in writing, either from individuals, team members or trade union representatives.
- 4.3.6 Following the end of the formal consultation period and after consideration of the responses to the consultation, there may be a further communication with employees (and trade union representatives if applicable) to advise them of any changes to the proposals which have been agreed as a result of consultation.

5. IMPLEMENTATION OF PROPOSALS

- 5.1 The 'People Impact Assessment' and 'Equality Impact Assessment' will be reviewed in the light of any agreed changes arising from feedback at the end of the consultation period.
- 5.2 In the event of significant changes to the job descriptions or person specifications, further advice on the grades of posts may be necessary before reviewing the 'People Impact Assessment' and 'Equality Impact Assessment.'
- 5.3 In the event of significant changes, or changes which puts staff at risk who were previously not at risk a further report to the Director of Human Resources or UEB may be necessary and a further consultation period may be required (Clause 4.2 Redundancy Procedure).
- 5.4 Once the structure, job descriptions and person specifications, and grades have been finalized and the 'People Impact Assessment' and 'Equality Impact Assessment' reviewed, any selection processes and timelines should be confirmed and advised to employees alongside management's response to feedback received during the consultation period. This should include details of those involved in the selection processes. It is recommended that in addition to the relevant line manager, and HR representative, an additional independent manager support any selection processes. Staff should also be advised to raise any queries or concerns, or need for adjustments that have not previously been raised at the earliest opportunity.
- 5.5 Staff should be provided with reasonable time during their normal working hours to prepare any written submissions or for any interviews.
- 5.6 Timelines should enable staff to receive feedback on selection processes, including interviews to enable them to prepare for any subsequent selection processes if required.

6. ORDER OF SELECTION/APPOINTMENTS TO ROLE/S

Selection/appointments will normally take place in the following order:

- a. Staff who can be matched to roles i.e. role/duties are essentially unchanged in the new structure will receive written confirmation of remaining in their current role or matched into a role in the new structure, together with a copy of any updated job description/person specification and date when any changes effective from (where applicable).
 - b. Staff who can be slotted into roles will receive written confirmation together with any updated job description/person specification, and date when any changes effective from.
- 6.1 Factors which determine whether a job is suitable usually depends on:

- The pay and benefits
- How similar the role is to the current job
- The terms and conditions of employment
- An employee's skills and abilities in relation to the job
- Location of job/whether further to travel.

7. SELECTION PROCESSES FOR STAFF AT RISK (WHERE MATCHING/SLOTING IS NOT AVAILABLE)

- 7.1 Where, following completion of the consultation period at Clause 4 of the Redundancy Procedure, an employee's role remains at risk of redundancy - i.e. Where matching or slotting is not possible this will be confirmed to them in writing together with any details relating to any selection processes they have been ring-fenced for, and how they will be considered for any roles. If there are no roles or selection processes to be followed the employee will be "displaced" and arrangements as set out in paragraphs 10 and 13 below should be followed (Clause 5.3 or 6.1 of the Redundancy Procedure). Note guidance in paragraph 11.1 below for how processes may need to be considered where employees who are on maternity, adoption, parental and shared parental leave. It may also be necessary to see advice from the Occupational Health Unit with regards to selection arrangements for staff who may be absent due to sickness or who have disabilities.
- 7.2 Employees can only submit a preference/supporting process for a role at the same grade as their current substantive appointment. Once all selection processes have been completed, there may be opportunities for employees to apply for roles at a higher grade through a normal competitive recruitment process, or lower grades in accordance with paragraph 10.1 below.
- 7.3 Where selection processes apply, Individuals will be asked to complete an application pro forma to express their interest for each ring fenced role for which they wish to be considered and a selection process will be carried out assessing how they meet the knowledge, skills and experience requirements in the job description and person specification (see example template C)
- 7.4 If possible, selection will be undertaken on the basis of the application pro forma, however there will be occasions when interviews (or other assessment appropriate to the nature of the role) will take place, for example, where more than one individual shows that they meet the essential criteria for the role (or could with reasonable retraining) in their application proforma
- 7.5 Where there is a straightforward reduction in the number of employees required, i.e. employees would have slotted if there had been sufficient posts within the new structure, selection may be by scoring those employees in the relevant 'pool' against the selection criteria or by competitive interview or other assessment appropriate to the nature of the role, as confirmed during consultation processes. Those employees who have scored highest against the agreed selection criteria/interview will be provisionally confirmed in role pending the outcome of any appeals against selection for redundancy. In the event of equal scoring, the proposed process for final selection as set out in the consultation paper will be applied. Those employees who have scored lowest against the agreed selection criteria (or been unsuccessful at interview) will be treated as "displaced" employees.
- 7.6 Where employees need to be assessed for suitability for the role, the post will be offered to the individual(s) who most closely match(es) the essential requirements of the post(s) for which they have expressed a preference (following selection by written statement and/or interview/assessment). In the event that an appointment cannot be made the post will be considered for any displaced staff, prior to wider advertising.
- 7.7 Where employees have expressed an interest for more than one role, it may be necessary to submit more than one application/pro forma or to attend more than one interview/assessment if this is the selection method to be used. However employees will normally be considered in

order of their preferences where possible, unless appointment to other roles needs to take priority.

- 7.8 Employees can normally apply for up to three roles unless otherwise confirmed during the consultation at paragraph 4 above.
- 7.9 All offers of suitable alternative employment following selection processes will be made in writing setting out details of the trial period (as applicable), and will be provisional pending the outcome of any appeals against selection for redundancy.
- 7.10 In the event staff who are slotted into roles feel this is inappropriate, they must be requested to put in writing to the Director of Human Resources within 2 working days the reasons why, including any details where they feel the role does not constitute suitable alternative employment. Declining a role that is deemed by the University to be suitable alternative employment could result in an employee losing any entitlement to a redundancy payment, and therefore concerns should be raised as soon as possible. Such situations will be considered on a case by case basis.

8. TRIAL PERIODS

- 8.1 An employee appointed into a suitable alternative role (including where an employee has been slotted into a role) or redeployed, will be entitled to a statutory trial period of four weeks. The trial period should start after the employee has worked their notice period (unless an earlier date is agreed in writing) and their existing contract has ended. This avoids any confusion or disputes if the trial does not work out. This does not apply where there is no change to the role (i.e. where the individual is matched into a role or where there was a straightforward reduction in numbers).
- 8.2 The employee can undertake work in the new role by agreement prior to the formal trial period. The employee cannot waive their right to a statutory trial period. A trial period can only be extended by written agreement (prior to commencement of work under the new contract) for the purpose of retraining up to a maximum of 12 weeks. Details should be included in the offer letter.

9. PROTECTION OF SALARY

- 9.1 Protection of salary can only be offered one grade below the employee's grade in the current structure and for a period of 12 months. Protection of salary commences when the new post and trial period commences. Further details can be found in the University's Policy on Pay Protectionⁱⁱⁱ.

10. DISPLACED EMPLOYEES (NO POST AVAILABLE WITHIN STRUCTURE)

- 10.1 Where an employee has not been matched, slotted and is not within a pool or ring-fence for selection alongside other staff for posts, or has been unsuccessful during selection (whether by written statement or at interview), the employee will be deemed as displaced and will then be considered for any available vacancies at the same grade in the new structure. Where other staff are displaced at the same grade, a 'ring-fence' may apply to any displaced employees before other vacancies are available to other staff within the structure or advertised externally. Vacancies will only be advertised more widely where the knowledge, skills and experience requirements is not available from within the staff group i.e. there are more vacancies that suitable staff. A displaced employee may wish to be considered for vacancies at a lower level, and this should be clarified with the employee, including whether they would qualify for protection of salary before wider advertising to avoid compulsory redundancy. Staff will only be eligible for redeployment outside the area of change/and/or salary protection once notice has been issued (See Redeployment Procedure).

11. EMPLOYEES ON MATERNITY, ADOPTION, PARENTAL AND SHARED PARENTAL LEAVE – SUITABLE ALTERNATIVE EMPLOYMENT PROVISIONS

- 11.1 It is important to ensure any staff on maternity, adoption, parental leave of more than 4 weeks

or shared parental leave, have been carefully considered where they appear to be at risk of redundancy. Special provisions apply under Regulation 10 of the Maternity & Parental Leave Regulations 1999, Regulation 23 of the Adoption Leave and Paternity Leave Regulations 2002 and Regulation 39 of the Shared Parental Leave Regulations 2014.

- 11.2 Whilst they can be part of any “ring-fencing” or “pooling” processes, if they are displaced/selected for redundancy and there are alternative jobs available they must be offered a suitable vacancy before any other employee.

Staff must therefore be considered as follows:

- If in a situation where role does not change, but fewer jobs are required then they are considered alongside other staff in the “ring-fence”/“pool” and should be part of the same selection processes but if provisionally selected for redundancy, have priority over suitable alternative roles
- If in a situation where the current roles are changing and staff are applying for new roles (suitable alternative employment), then these staff have higher priority before any further selection processes are applied to those left in the “ring-fence” or “pool”.

- 11.3 As with other employees, if you do offer a suitable alternative and the employee unreasonably turns it down, they will lose their right to a redundancy payment. If there are no suitable alternative positions the employee can still be made redundant and may continue to be entitled to statutory payments after their employment ceases (maternity, adoption, parental/shared parental leave) unless they take up employment elsewhere and their statutory entitlements normally cease.

12. VACANCIES, PROMOTION OPPORTUNITIES OR POTENTIAL TO TRANSFER BETWEEN TEAMS ON A RESTRUCTURE

- 12.1 Where there are vacancies including opportunities for promotion or potential to transfer between teams which are not ‘ring-fenced’ for staff who are ‘at risk’ or ‘displaced’, once it is clear that these vacancies no longer need to be ‘ring-fenced’ to avoid potential redundancies or whether there is not the required knowledge, skills or experience within the area of change they can be opened up to other staff to apply or advertised more widely (where appropriate). Careful consideration will need to be given to any potential appeals before vacant roles which arise after selection processes have taken place for that role are made more widely available for others to apply.

13. CONFIRMATIONS OF SELECTION FOR REDUNDANCY

- 13.1 On a restructure, notice of dismissal will be given once the manager has confirmed that all opportunities for suitable alternative roles in the work area are exhausted.

- 13.2 The employee to whom this paragraph applies shall be notified in writing of the reasons for their proposed dismissal and shall be invited to a meeting with a nominated manager to explain why they have been selected for redundancy and to provide them with an opportunity to ask questions about their selection for redundancy, make oral or written representations and propose alternatives to dismissal. The employee may be accompanied at this meeting by a fellow worker or trade union representative (Clause 5.3 or 6.1 Redundancy Procedure). If the companion is unavailable then the employee can ask for the hearing to be postponed for up to one week, on one occasion only. Following such a postponement, the University reserves the right to proceed with the meeting in the employee’s absence (Clause 1.4 Redundancy Procedure).

- 13.3 Taking account of all the information provided and the representations made, and with the guidance from the HR Representative for the Faculty or Professional Service Division, the manager shall decide whether the employee shall be given notice of dismissal on grounds of redundancy.

14. ISSUING OF NOTICE OF DISMISSAL ON GROUNDS OF REDUNDANCY

- 14.1 Following the meeting under 13.2 above, and the decision that the employee is to be dismissed, an individual may be given notice of dismissal on grounds of redundancy (Clause 5.4 or 6.3 of the Redundancy Procedure) . The letter shall:
- a. summarise the reasons for the dismissal and why they were selected;
 - b. give notice of dismissal on the grounds of redundancy (PILON provisions will not apply in compulsory redundancy situations);
 - c. advise them of their right to appeal;
 - d. Confirm the redundancy payment that will be made;
 - e. Confirm whether they are eligible for the redeployment procedure, and if so, provide details.

15. REDEPLOYMENT AND PAY PROTECTION ARRANGEMENTS

- 15.1 The Redeployment Procedure is intended to support redeployees to obtain a suitable alternative appointment at their substantive grade, or where there is a job match, one grade lower. Where an employee is redeployed to a lower graded job, the University may provide protection in accordance with its pay protection policy^{iv}.
- 15.2 Employees will only enter the University's redeployment pool once notice of dismissal on grounds of redundancy is issued where they meet the criteria for redeployment (Clause 1.9 Redundancy Procedure).
- 15.3 The employee will remain in the redeployment pool for the duration of their contractual notice period in order to try to secure alternative employment in a post elsewhere in the university.

16. RIGHT OF APPEAL

- 16.1 An employee has a right of appeal against a decision to issue them with notice of dismissal on grounds of redundancy in accordance with Clause 7 of the Redundancy Procedure.
- 16.2 Where an appeal impacts a provisional offer (paragraph 6) , or provisional confirmation in role following scoring against selection criteria (for example a successful appeal against the marks on scoring which means the employee no longer scored lower than those provisionally selected) (see paragraph 7) then this will result in the successful appellant being offered/confirmed in role and may result in another employee being given notice of redundancy, then the process under paragraph 13.2 and paragraph 14 above will apply). In instances where the appeal identifies errors in the application of selection procedures, following investigation it may be necessary to revisit selection processes.

17. REDUNDANCY AND OTHER PAYMENTS

- 17.1 Where an employee is appointed into a suitable alternative role or redeployed then they will not be redundant and will not be entitled to receive a redundancy payment.
- 17.2 Redundancy payments which are based on the statutory provisions, will normally be made in the next payroll after the date on which the employee's employment terminates on grounds of redundancy, subject to payroll deadlines.
- 17.3 Pay in lieu of notice (PILON) will not apply in compulsory redundancy situations
- 17.4 Employees will normally be expected to take any outstanding leave due prior to their last day of employment, but where managers confirm this is not operationally possible, payment may be made. No payment will be made for accrued flexi/TOIL.

Appendices

- A. People Impact Assessment
- B. Equality Impact Assessment
- C. Approval to proceed to consultations template.

- D. Example Supporting Statement For Selection Processes
 - E. Guidance for staff on completing Supporting Statement
 - F. Example Assessment Form
 - G. Supporting Statement for Vacancies
 - H. Example Preferences Form
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[www.exeter.ac.uk/media/universityofexeter/humanresources/documents/grievancedisciplinaryandotherdismissalprocedures/REDUNDANCY_PROCEDURE_\(101220\).pdf](http://www.exeter.ac.uk/media/universityofexeter/humanresources/documents/grievancedisciplinaryandotherdismissalprocedures/REDUNDANCY_PROCEDURE_(101220).pdf)

ii

<https://www.exeter.ac.uk/staff/employment/redeployment/procedure/>

iii

<https://www.exeter.ac.uk/staff/employment/hrpoliciesatoz/payprotection/>

iv

<http://www.exeter.ac.uk/staff/employment/hrpoliciesatoz/payprotection/>

Original Version November 2021

Updated Oct 22 to reflect new structures/leadership roles